

#### Planning Staff Report to Greenville Planning Commission January 14, 2022

for the January 20, 2022 Public Hearing

Docket Number: AX-1-2022

**Applicant:** James H. Brown

**Property Owners:** J. Haskell Brown and Sandra M Brown

Property Location: 2901 E. North Street

**Tax Map Number:** 0277000200701

Acreage: 0.842 acre

Right-of-way area: 0.424 acre

Total area (to be annexed): 1.266 acres

**Existing Zoning:** R-20, Single-family residential district (Greenville County)

**Proposed Zoning:** R-9, Single-family residential district (City of Greenville)

Adjacent Zoning: N: R-20, Single-family residential district (Greenville County)

E: R-20, Single-family residential district (Greenville County)

S: RM-2 Single-family and multi-family district (City of Greenville)

W: R-20, Single-family residential district (Greenville County)

**District:** Council District 1

Staff Recommendation: Recommend Approval for Annexation, Rezone, and Future Land Use

**Designation of Sub-urban Residential** 

#### **Applicable Sections of the City of Greenville Code of Ordinances:**

Sec. 2-372 Function, Powers, and Duties of the Planning Commission

Sec 19-1.3 Purpose and Intent

Sec.19-2.1.2 (A) (2) (b) Zoning District Map Amendments (Rezoning) Sec.19-2.1.2 (A) (10) Annexation of properties into the corporate limits

Sec.19-2.3.2 (E) (2) Amendments to Zoning District Map

Sec.19-3.2 District Descriptions

#### **Project Overview:**

The applicant has petitioned the City of Greenville to annex an approximately 0.842 acre of lot area into the Greenville city limits and to zone it R-9, Single-family residential district. Approximately 0.424 acre of street right-of-way will also be annexed.

#### **Procedural Requirements:**

#### Pre-Application and Development Meetings

A pre-application meeting was held between the applicant and Planning staff prior to submittal of this annexation application.

#### **Neighborhood Meeting**

The applicant conducted a neighborhood meeting on November 29, 2021, as required by subsection 19-2.2.4 of the Land Management Ordinance. The meeting attendance record and meeting notes are attached to the packet.

#### **Site Information**

The acreage is located on E. North Street and is currently R-20, Single-family residential district in Greenville County. The property is not located in any Special Emphasis Neighborhood within Greenville County.

The applicant requests to annex the property into the City with a R-9 zoning designation. The R-9 zone is intended to preserve and encourage single-family residential development with a minimum lot size of 9,000 square feet. Complementary uses customarily found in residential districts, such as community recreation facilities, places of worship, and schools, may be allowed.

#### **Staff Analysis:**

Staff offers the following responses to the standards to rezone found at Section 19-2.3.2 (E) (2), Amendments to Zoning District Map.

- 1. Consistent with the Comprehensive Plan: The Future Land Use Map (FLUM), associated with the GVL2040 Comprehensive Plan, designates a portion of the subject area for annexation as "Sub-urban residential." Sub-urban residential is described as land within this designation is largely comprised of single-family homes, with a range of 5-8 housing units per acre. Lots are generally larger than what is in Urban Residential areas and many streets do not have sidewalks or streetlights. Complementary uses customarily found in residential districts, such as community recreation facilities, places of worship, and schools, may be allowed in areas adjacent to Corridors and Urban Nodes.
- 2. <u>Changed conditions since the original designation:</u> The process of annexation requires the property be assigned a City zoning designation.
- 3. <u>Addresses a demonstrated community need:</u> The R-9 zoning designation allows for an appropriate range of uses and dwelling unit density for the area.
- 4. <u>Compatible with surrounding uses:</u> Surrounding uses include a mix of similar zoned properties with similar uses. The proposed R-9 zoning classification will allow for development that is compatible with the surrounding properties.
- 5. <u>Promotes logical development pattern:</u> The proposed zoning designation provides uses that are logical to the future development pattern of the area.
- 6. <u>Will not result in "strip" or ribbon commercial development:</u> The proposed zoning does not include commercial uses.
- 7. Will not create an isolated zoning district: Adjacent properties in the City are zoned RM-2, OD, and C-2. The adjacent County properties are zoned R-20. As the City has not previously annexed any of the large lot residential properties on the north side of E. North Street, there is currently no City R-9 in the area. However, if the City annexes further into the corresponding neighborhood, the same

- recommended zoning district of R-9 is to be expected. The City's R-9 designation is the closest single-family residential designation to the County's R-20 designation.
- 8. <u>Surrounding property values:</u> It is not anticipated that the proposed annexation and rezone will result in significant adverse impacts on the property values of adjacent lands. The R-9 zoning designation is compatible with other properties in the area.
- 9. <u>Effect on natural environment:</u> The proposed zoning amendment is not anticipated to have any adverse impacts on the natural environment. All future development is required to comply with environmental standards.
- 10. <u>Public facilities and services:</u> Public facilities and services are available for this site. The property is currently in the Wade Hampton Fire District (WHFD) and will remain within it upon annexation per the City's Intergovernmental Agreement with WHFD. Metro Sewer District is the primary sanitary sewer provider for the property. Greenville Water maintains an 8-inch, looped water main on E. North Street and 6" main on Biscayne Drive capable to serve the property.

#### STAFF RECOMMENDATION:

APPROVE, with staff comments

#### **Staff Comments**

#### **Planning Comments**

Recommend: Approve w/ Comments

Comments:

1. Staff recommends that the Future Land Use designation be "Sub-urban residential," in accordance with the Greenville 2040 Comprehensive Plan.

#### **Traffic Engineer Comments**

**Recommend:** Approve

Comments:
No comments.

#### **Environmental Engineer Comments**

**Recommend:** Approve

**Comments:** 

Approved with no comments.

#### **Civil Engineer Comments**

**Recommend:** Approve

Comments:

Approved with no comments.

#### **Fire Department Comments**

Recommend: Approve

#### **Parks & Recreation Comments**

Comments:

No comment

#### **Tree and Landscape Comments**

Recommend: Approve w/ Comments

Comments:

Any removal of protected trees, those 6-inch DBH or greater, will be subject to mitigation through either replacement at an inch-for-inch rate of at least 3-inch caliper canopy trees or a fee-in-lieu of \$50 per inch removed. Any removed heritage trees, those 20-inch DBH in the setback or 40-inch DBH anywhere on site, will be subject to a fine of \$45 per inch removed and mitigation. Any development will be subject to providing a landscape plan to include applicable landscaping. A mitigation plan, if applicable, and landscape plan showing all requirements should be submitted with any site disturbance or building permits.



### CITY OF GREENVILLE 206 South Main Street P.O. Box 2207 Greenville, SC 29602

# 100 Percent PETITION FOR ANNEXATION

The person(s) whose signatures appear below are freeholders owning real estate in an area which is contiguous to the City of Greenville and which is proposed to be annexed into the City. In general, the area can be described as 2901 E. NORTH ST. and consisting of approximately
& acres (street number). That area is identified more particularly by the tax map parcel number(s) provided below and the Annexation Plat which is being provided to the
city of Greenville Planning Commission in conjunction with this petition. Any and all plats are incorporated by reference as a description of the area. By their signatures, the freeholder(s)
petition(s) the City Council of the City of Greenville to annex the entire area shown as being annexed on the plats, and such additional acreage within the outer boundaries of the area as the owners through their agent may designate.

This petition is submitted under the provisions of S.C. Code '5-3-150, authorizing the City Council to annex an area when presented with a petition signed by all persons owning real property in the area proposed to be annexed. This petition and all signatures thereto shall be open for public inspection on demand at the City Hall, located at the address set forth above. All zoning processes will be in accordance with state statutes and city ordinance otherwise existing.

Property Owner(s)	Address/ Tax Map Number	Signature	Date
J. Haskell Brown	0277000200701	X A Herabell Burn no	x WOV45
Sandra M. Brown	0277000200701	*Sandra M. Brown	(11-4-21



### **APPLICATION FOR ANNEXATION**

Planning Department (864) 467-4476

Office Use Only:	
Application#	Fees Paid
Date Received	Accepted By
Date Complete	App Deny Conditions

### **APPLICANT/OWNER INFORMATION**

*Indicates F	Required Field	Clear F	
	APPLICANT	PROPERTY OWNER	
*Name:	James H Brown	J. Haskell Brown & Sandra M. Brown	
*Title:	Son	Owners	
*Address:	101 Reedy View Dr #616	6 Chateau Dr	
*State:	SC	SC	
*Zip:	29601	29615	
*Phone:	864.303.3333		
*Email:	jimhbrownii@gmail.com		
	LEGAL REPRE	SENTATIVE (if applicable)	
Name:		· · · · /	
Title:			
Address:			
Phone:			
Email:			
PROPERTY INFORMATION			
*TAX MAP #(S) 0277000200701			
*TOTAL AC	REAGE .8 acres	*COUNCIL DISTRICT district 1	
*CURRENT ZONING DESIGNATION (County) R-20			
*PROPOSED ZONING DESIGNATION (City) R-9			
*DEED RESTRICTIONS Detached single-family dwellings			
*FRONTAGE ON PUBLIC ROAD (feet) 227'			
*WATER DISTRICT Greenville Water *SEWER DISTRICT Wade Hampton			
*FIRE DISTRICT Wade Hampton *SANIATION DISTRICT GGSC			
*OVERLAY DISTRICT/SPECIAL EMPHASIS NEIGHBORHOOD_			
	TYPE	OF ANNEXATION	
*Please select one (1) type: 100% 75% 25%			
For 100% a	nd 75% Annoyations, places Include the sec		

For 100% and 75% Annexations, please Include the corresponding Annexation Petition with the application submittal.

#### INSTRUCTIONS

- The applicant is strongly encouraged to schedule a preapplication conference with Economic Development prior to the scheduled submission deadline. At this time, the applicant may also be encouraged to schedule a sufficiency review two (2) weeks prior to the scheduled submission deadline to allow staff review of the application. Call (864) 467-4476 to schedule an appointment.
- Submit an electronic copy of the <u>draft plat</u> signed by a registered surveyor <u>and legal description</u> (see requirements below) <u>2 weeks prior to the application filing deadline</u>. Failure to do so may result in delay of the application. The daft plat can be sent to <u>ihamlett@greenvillesc.gov</u>.
- 3. If the application includes more than one (1) parcel and/or more than one (1) owner, the applicant must provide the appropriate deed book/page references, tax parcel numbers, and owner signatures as an attachment.
- 4. If the application is to annex a portion of a property as otherwise described by deed, a survey of the parcel reflecting the requested annexation by courses and distances must be included in the submittal package.
- 5. All applications and fees (made payable to the City of Greenville) for Annexation must be received by the planning and development office no later than 2:00 pm of the date reflected on the attached schedule.

#### A. Annexation

\$550.00 - public hearing required

- 6. Staff will review the application for "sufficiency" pursuant to Section 19-2.2.6, Determination of Sufficiency. If the application is deemed insufficient, staff will notify the applicant and request that the application be revised and resubmitted to address insufficiency comments. In this event, the item will be postponed to a subsequent regularly scheduled planning commission meeting.
- 7. Please refer to Sections 19-1.9, Annexations for additional information.
- 8. **Public Notice Requirements.** Annexation applications require a planning commission public hearing. The applicant is responsible for sign posting the subject property at least 15 days (but no more than 18 days) prior to the scheduled planning commission hearing date.

Annexation applications also require a neighborhood meeting, which is to be held at least eight (8) days prior to the scheduled planning commission hearing (Sec. 19-2.2.4, Neighborhood meetings). See *Instructions for Organizing a Developer-Led Neighborhood Meeting* for more information.

Upon planning commission recommendation, the application item will be scheduled for city council hearing.

(To be filled out at time of application submittal)

Public Hearing signs are acknowledged as received by the applicant

Instructions for Organizing a Developer-Led Neighborhood Meeting are acknowledged as received by the applicant

#### \*APPLICANT SIGNATURE

9. Please verify that all required information is reflected on the application, and submit one (1) paper copy and one (1) electronic version of the application submittal package.

10. Please read carefully: The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition, the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the planning commission that granting the requested change would not likely result in the benefit the applicant seeks.

Furthermore, my signature (applicant) indicates that I understand and consent that this matter will appear before the Planning Commission for consideration and that any recommendation, for approval or denial, by the Planning

CITY OF GREENVILLE APPLICATION FOR ANNEXATION

Rev. 9/29/2021

Monday of the	nonth following the Plan	ity Council at their next re ning Commission meeting	egularly scheduled meeting to be held on the fourth g in which the matter was heard.	
g	Lan Algran		*APPLICANT SIGNATURE	
	1 41 mars 1	2021	The state of the s	
	V MODEL SI	202	DATE	
11. To that end, the is not X res	ne applicant hereby affirm tricted by any recorded co	ns that the tract or parcel ovenant that is contrary to,	of land subject of the attached application <b>is</b> or , conflicts with, or prohibits the requested activity.	
*Signature:	S	Λ		
Applicant		Jam Ho	Kran	
Date		4 Nove	mber 2021	
Property O	wner/Authorized Agent	X Harbell to	Sum no Sandra M. Brown	
Date		4 Novemb	Sec 2021	
		CATION REQUIREMENT		
be sent to o A	le application filing dead in the properties in	<u>dline</u> . Failure to do so ma <u>jov</u> . to be annexed showing	ption (see requirements below) submitted 2 weeks by result in delay of the application. The daft plat can the following (Please see ANNEXATION PLAT	
N			nnexation, showing the POB (Point of Beginning for	
	<ul> <li>Any adjacent contigues</li> <li>reserves the right to</li> <li>Label and show all of</li> </ul>	exclude certain right-of-w contiguous corporate limit	eady within the corporate limits of the City. (The City ways) lines, including existing and new City Limit lines. total acreage in a table format.	
	<ul><li>Easements</li></ul>			
	<ul> <li>Private roads and dr</li> <li>Tax map numbers a</li> </ul>	rives (clearly marked as su	uch) e annexed and adjacent lots	
inc	legal description include scription of the metes and cluded in a document sepa	ding metes and bounds ad bounds of any right-of-	of the property to be annexed and a separate way to be annexed. The legal description must be	
Annexatio	A completed application form.  Annexation petition signed by the required number of freeholders (owners of real property) or a representative with clear authority to sign such a petition for annexation. If the owner is a corporation, the petition must be signed			
by a duly a	by a duly authorized officer of the corporation. Corporate minutes of a resolution of the Board of Directors should			
as to anne without a v	accompany the petition. The signature of a real estate agent, broker or developer without specific authority to sign as to annexation is not acceptable. A petition with less than all freeholders signing is not acceptable for filing without a written statement from the City Attorney that the petition appears on its face to comply with state law			
regulating	such petitions. <u>intent</u> (reason for annexa			
The fee for	the requested zoning cla	assification as set by the 0	City's fee schedule. (These fees are used to pay for	
administrat	ive and advertising expen	ises incurred as a result of	f the petition).	
Three (3) of the register	copies of a recordable F red surveyor must be pro-	Final Plat and a true to so ovided with all requested	scale electronic copy of the Final plat signed by revisions with the application submittal.	
ANNEXATION PLA	AT REQUIREMENTS			
		" cize /17" v 22") and no le	orgon than "E" aims (0.4" 4.4")	

- Drawing size shall be no smaller than "C" size (17" x 22") and no larger than "E" size (34" x 44").
   The entire boundary of the proposed annexation shall be contained on "I" (one) drawing.
   The title of the Annexation shall be noted in the title block as "Annexation Plat for (Show the Owner of Record) and

- (Project Site Name, if known).
- 4. A location map shall be shown in the upper right hand side of the drawing that shows the location of the proposed annexation and the surrounding streets.
- 5. Drawing shall show the dates of the survey, scale in feet, and stamped by the engineer or surveyor with registration number.
- 6. The "Existing City Limit Line" shall be shown on the drawing in a distinguishable line symbol that is easily recognized and in a different line symbol than the "Existing City Limit Line". This line shall be noted on the drawing as "New City Limit Line".
- 7. The "New City Limit Line" shall be shown on the drawing in a distinguishable line symbol that is easily recognized and in a different line symbol than the "Existing City Limit Line." This line shall be noted as "New City Limit Line".
- 8. The proposed annexation shall be contiguous to the "Existing City Limit Line".
- 9. When directed by City staff, you may be required to include/capture adjacent street Right-of-Way as part of the annexation. When you are required to annex certain street right-of-ways that are adjacent to or contained within the proposed annexation, these areas, in square feet and acres, shall be noted on the drawing within these boundaries.
- 10. The area, in square feet and acres, of the real property that is to be annexed shall be noted on the drawing within these boundaries.
- 11. The Tax Parcels contained within the boundary of the proposed annexation shall be shown and their Tax Parcel ID numbers noted on the drawing. Also, all adjacent parcels shall be shown and labeled with their Tax Parcel ID.
- 12. The bearings and distances around the outer boundary of the proposed annexation shall be shown on the drawing. The linear dimensions shall be expressed in feet and decimals of a foot. All angular measurements shall be expressed in bearings to the nearest minute. Curves, that have been surveyed, shall be defined on the drawing by a radius, central angle, tangent, arc and chord bearings and chord distances. Areas of the annexation that have not been surveyed, such as adjacent street right-of-way, may be noted as "more or less" or "+-". The "total area" of the annexation will consist of the area of real property and any street right-of-way contained in the annexation. These areas shall be noted in a "text box" on the drawing titled "Area of Annexation". The area of real property shall be noted and the area of any street right-of-ways shall be noted and then the "total area" noted.
- 13. Do not "traverse" the "New City Limit Line" along the center of a street,
- 14. A Legal Description of the annexation shall be written that traverses the outer boundary of the annexation. The "POB" (Point of Beginning) shall be noted on the drawing. When preparing the Legal Description, note any time that the traverse goes "along the Existing City Limit Line".
- 15. If the annexation contains any existing structures, the present street address for these structures shall be noted within the corresponding parcel/structure.
- 16. The proposed annexation will be reviewed by City Staff and any corrections that are needed to the annexation plat will be noted and relayed to the Engineer, Surveyor, and/or owner.

#### **IMPORTANT NOTE:**

Prior to applying for annexation, contact the City of Greenville's Engineering Department to verify the "availability" of utilities such as sanitary sewer and water.



### CITY OF GREENVILLE 206 South Main Street P.O. Box 2207 Greenville, SC 29602

# CERTIFICATION OF PETITION SIGNATURE

5an dra	1 Milstown				
I,[here p	out name , have this	Hth	day of	Marias L.	20.21
	, broviousta stacti siitti (isit	a tor the s	annevatic	in into the City o	£ Characan 111
one (1) or more parce	as in which I have owners	hin interes	t hv initi	aling a convert	he cianature on
previously given and	dated. The parcel tax map	number(s	is(are)	as follows:	ne signature as
	•	`	, ()	20120 // 0.	
	027700020	0701			
		·			
	*** *** *** *** *** *** *** *** *** **			7742	
	**************************************			····	
			1	A (	4
			$\times \otimes a$	ndra M	Broun
			Signatu	re	
			_	/ 4. 0	Brown
			<u> San</u>	dra M. Bri	SWN
			Please 1	Print Name	

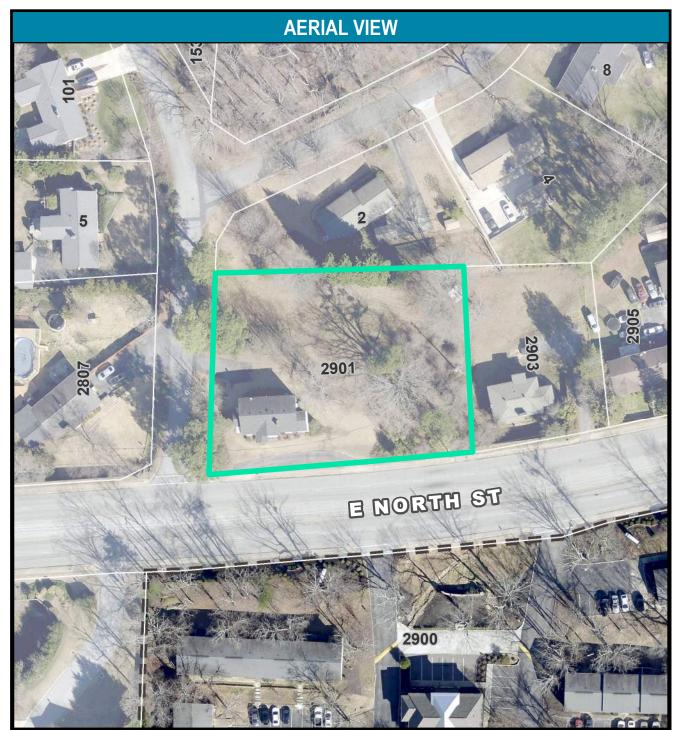


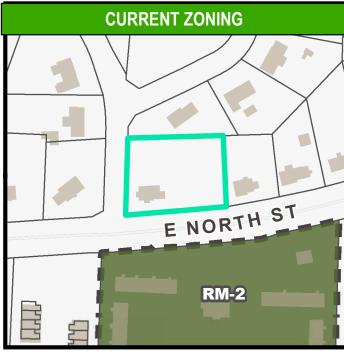
### CITY OF GREENVILLE 206 South Main Street P.O. Box 2207 Greenville, SC 29602

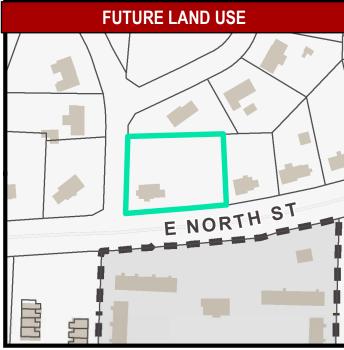
Signature Brown ms

Please Print Name

### **AX-1-2022 • 2901 E. NORTH STREET**

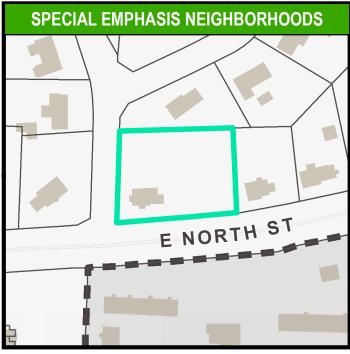


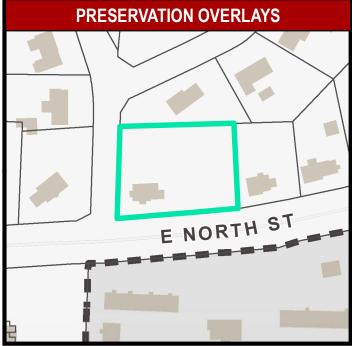


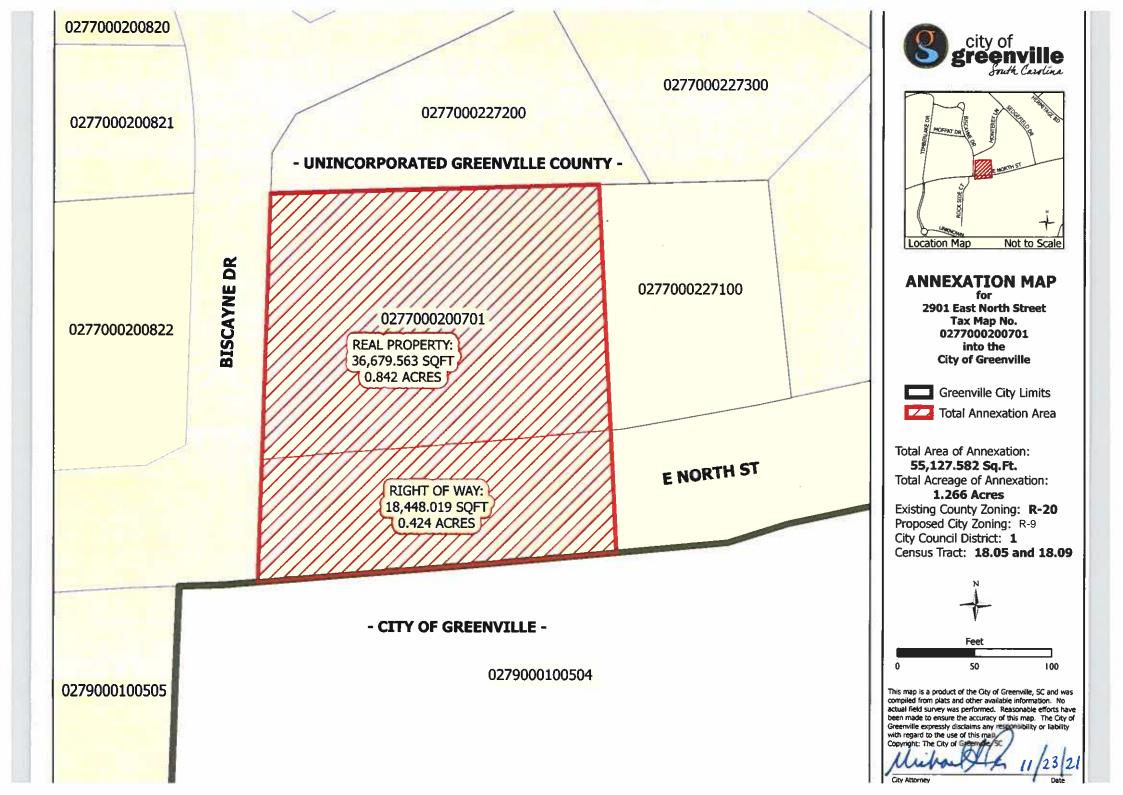


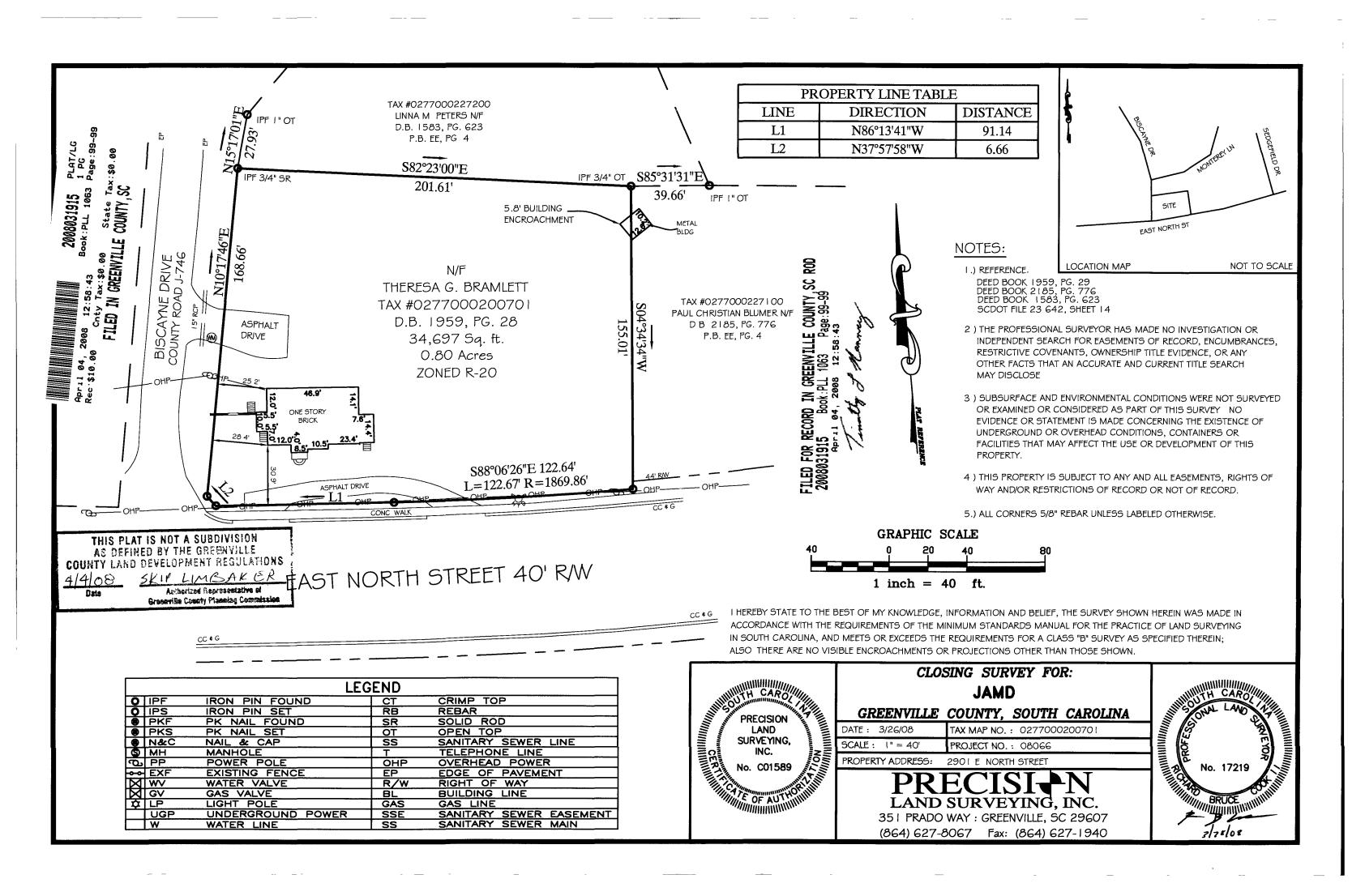
## **AX-1-2022 • 2901 E. NORTH STREET**











#### **Property Description**

ALL that piece, parcel or lot of land with any improvements thereon, situate, lying and being in the State of South Carolina, County of Greenville, being shown and designated as 0.80 acres, more or less, according to a plat entitled "Closing Survey for: JAMD", prepared by Precision Land Surveying, Inc dated March 26, 2008, and recorded in the Office of the Register of Deeds for Greenville County, SC on April 4, 2008 in Plat Book 1063 at Page 99. Reference to said plat is hereby craved for a more accurate and complete metes and bounds description.

This the same property conveyed to the Grantor herein by deed of James H. Brown dated March 21, 2011, and recorded in the Office of the Register of Deeds for Greenville County, SC on March 29, 2011 in Deed Book 2386 at Page 1803.

#### TMS# 02770002-00701

Property address: 2901 E North Street, Greenville, SC

#### **Property Description for Right-of-Way**

To include the 0.424 acres of E. North Street right-of-way as shown within the associated Annexation Map exhibit.

### 2901 E. North Street Neighborhood Meeting Attendance

### November 29, 2021

Austin Rutherford	arutherford@greenvillesc.gov
Caroline Greene	my2ootie@yahoo.com
Jim Brown	jimbrown@flagshipsc.com
John Hamlett	jhamlett@greenvillesc.gov
Jacob Kittleson	jacob.kittleson@gmail.com
Tony Moncini	tony.moncini@foxcarolina.com
Perry B	itssewyou@gmail.com
TOLGA OZARSLAN	tolga_ozarslan@yahoo.com
Edward Butler	elbutler3@gmail.com
Lanny McCormack	lanmackt70@gmail.com

### **Neighborhood Meeting Questions**

### 2901 E. North St. Annexation

#### 11/29/21

- 1. Q- What is this about? A- A request to annex the property.
- 2. Q- Will this affect any other properties? A- No.
- 3. Q- Is R-9 the largest residential zoning designation the city has? A- Yes.
- 4. Q- Can the lot be split and leave half in the county? A- The property owner wishes to annex the entire property.
- 5. Q- Is the property contiguous even though the city limits are across E. North St.? A- Yes, the city can annex across rights of way.
- 6. Q- Where will the water runoff go (when the house is built on the subdivided lot)? A-Before any permit is issued by the city it is reviewed by engineering to ensure water drainage is not altered to the detriment of adjoining properties.
- 7. Q- Who will pave Biscayne Dr? A- Biscayne will remain a county road so the county will be responsible for any repaving.